

Fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 2003, and before October 1, 2009.

"(ii) LIMITATION.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed \$1,000,000.

"(B) EXCESS FUNDS TRANSFERRED TO SPORT FISH RESTORATION ACCOUNT.—Any amounts received in the Highway Trust Fund—

"(i) which are attributable to motorboat fuel taxes, and

"(ii) which are not transferred from the Highway Trust Fund under subparagraph (A),

shall be transferred by the Secretary from the Highway Trust Fund into the Sport Fish Restoration Account in the Aquatic Resources Trust Fund."; and

(2) By striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

#### SEC. 202. EXPENDITURES FROM THE BOAT SAFETY ACCOUNT.

Section 9504(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(c)) is amended to read as follows:

"(c) EXPENDITURES FROM BOAT SAFETY ACCOUNT.—Amounts in the Boat Safety Account on the date of enactment of the Sport Fishing and Recreational Boating Safety Act, and amounts thereafter credited to the Account under section 9602(b), shall be available, without further appropriation, in the following amounts:

"(1) In fiscal year 2004, \$28,155,000 shall be distributed—

"(A) under section 4 of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777c) in the following manner:

"(i) \$11,200,000 to be added to funds available under subsection (a)(2) of that section,

"(ii) \$1,245,000 to be added to funds available under subsection (a)(3) of that section,

"(iii) \$1,245,000 to be added to funds available under subsection (a)(4) of that section,

"(iv) \$1,245,000 to be added to funds available under subsection (a)(5) of that section, and

"(v) \$12,800,000 to be added to funds available under subsection (b) of that section, and

"(B) under section 14 of that Act (16 U.S.C. 777m), \$420,000, to be added to funds available under subsection (a)(1) of that section.

"(2) In fiscal year 2005, \$22,419,000 shall be distributed—

"(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

"(i) \$8,075,000 to be added to funds available under subsection (a)(2) of that section,

"(ii) \$713,000 to be added to funds available under subsection (a)(3) of that section,

"(iii) \$713,000 to be added to funds available under subsection (a)(4) of that section,

"(iv) \$713,000 to be added to funds available under subsection (a)(5) of that section, and

"(v) \$11,925,000 to be added to funds available under subsection (b) of that Act, and

"(B) under section 14 of that Act (16 U.S.C. 777m), \$280,000 to be added to funds available under subsection (a)(1) of that section.

"(3) In fiscal year 2006, \$17,139,000 shall be distributed—

"(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

"(i) \$6,800,000 to be added to funds available under subsection (a)(2) of that section,

"(ii) \$333,000 to be added to funds available under subsection (a)(3) of that section,

"(iii) \$333,000 to be added to funds available under subsection (a)(4) of that section,

"(iv) \$333,000 to be added to funds available under subsection (a)(5) of that section, and

"(v) \$9,200,000 to be added to funds available under subsection (b) of that section, and

"(B) under section 14 of that Act (16 U.S.C. 777m), \$140,000, to be added to funds available under subsection (a)(1) of that section.

"(4) In fiscal year 2007, \$12,287,000 shall be distributed—

"(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

"(i) \$5,100,000 to be added to funds available under subsection (a)(2) of that section,

"(ii) \$48,000 to be added to funds available under subsection (a)(3) of that section,

"(iii) \$48,000 to be added to funds available under subsection (a)(4) of that section,

"(iv) \$48,000 to be added to funds available under subsection (a)(5) of that section, and

"(v) \$6,900,000 to be added to funds available under subsection (b) of that section, and

"(B) under section 14 of that Act (16 U.S.C. 777m), \$143,000, to be added to funds available under subsection (a)(1) of that section.

"(5) In fiscal year 2008, all remaining funds in the Account shall be distributed under section 4 of that Act (16 U.S.C. 777c) in the following manner:

"(A) one-third to be added to funds available under subsection (b), and

"(B) two-thirds to be added to funds available under subsection (h)."

#### TITLE III—CLEAN VESSEL ACT AMENDMENTS

##### SEC. 301. GRANT PROGRAM.

Section 5604(C)(2) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

#### TITLE IV—RECREATIONAL BOATING SAFETY PROGRAM AMENDMENTS

##### SEC. 401. STATE MATCHING FUNDS REQUIREMENT.

Section 13103(b) of title 46, United States Code, is amended by striking "one-half" and inserting "75 percent".

##### SEC. 402. AVAILABILITY OF ALLOCATIONS.

Section 13104(a) of title 46, United States Code, is amended—

(1) by striking "2 years" in paragraph (1) and inserting "3 years"; and

(2) by striking "2-year" in paragraph (2) and inserting "3-year".

##### SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "Secretary of Transportation under paragraphs (2) and (3) of section 4(b)" and inserting "Secretary under subsections (a)(2) and (e) of section 4"; and

(2) by inserting "a minimum of" before "\$2,000,000".

##### SEC. 404. MAINTENANCE OF EFFORT FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

(a) IN GENERAL.—Chapter 131 of title 46, United States Code, is amended by inserting after section 13106 the following:

"§ 13107. Maintenance of effort for State recreational boating safety programs

"(a) IN GENERAL.—The amount payable to a State for a fiscal year from an allocation under section 13103 of this chapter shall be reduced if the usual amounts expended by the State for the State's recreational boating safety program, as determined under section 13105 of this chapter, for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year. The reduction shall be proportionate, as a percentage, to the amount by

which the level of State expenditures for such previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year.

"(b) REDUCTION OF THRESHOLD.—If the total amount available for allocation and distribution under this chapter in a fiscal year for all participating State recreational boating safety programs is less than such amount for the preceding fiscal year, the level of State expenditures required under subsection (a) of this section for the preceding fiscal year shall be decreased proportionately.

"(c) WAIVER.—

"(1) IN GENERAL.—Upon the written request of a State, the Secretary may waive the provisions of subsection (a) of this section for 1 fiscal year if the Secretary determines that a reduction in expenditures for the State's recreational boating safety program is attributable to a non-selective reduction in expenditures for the programs of all Executive branch agencies of the State government, or for other reasons if the State demonstrates to the Secretary's satisfaction that such waiver is warranted.

"(2) 30-DAY DECISION.—The Secretary shall approve or deny a request for a waiver not later than 30 days after the date the request is received."

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 131 of title 46, United States Code, is amended by inserting after the item relating to section 13106 the following:

"13107. Maintenance of effort for State recreational boating safety programs."

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

SENATE RESOLUTION 255—SUPPORTING THE NATIONAL RAILROAD HALL OF FAME, INC., OF GALESBURG, ILLINOIS, IN ITS ENDEAVOR TO ERECT A MONUMENT KNOWN AS THE NATIONAL RAILROAD HALL OF FAME

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 255

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas upon completion of the Central Military Tract Railroad, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world served by 2 major railroads;

Whereas the National Railroad Hall of Fame, Inc., has been established in Galesburg and chartered under the laws of the State of Illinois as a not-for-profit corporation;

Whereas the objectives of the National Railroad Hall of Fame, Inc., include (1) perpetuating the memory of leaders and innovators in the railroad industry, (2) fostering, promoting, and encouraging a better understanding of the origins and growth of

railroads, especially in the United States, and (3) establishing and maintaining a library and collection of documents, reports, and other items of value to contribute to the education of all persons interested in railroading; and

Whereas the National Railroad Hall of Fame, Inc., is planning to erect a monument known as the National Railroad Hall of Fame to honor the men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

*Resolved*, That the Senate supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

# SENATE CONCURRENT RESOLUTION 78—CONDEMNING THE REPRESSION OF THE IRANIAN BAHÁ'Í COMMUNITY AND CALLING FOR THE EMANCIPATION OF IRANIAN BAHÁ'IS

Mr. LEIBERMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

## S. CON. RES. 78

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Bahá'í Faith;

Whereas in those resolutions and in numerous other appeals, Congress has deplored the religious persecution by the Government of Iran of the Bahá'í community and has condemned the execution by Iran of more than 200 Bahá'ís and the disruptive imprisonment of thousands of others solely on account of their religious beliefs;

Whereas Iranian Bahá'ís are not permitted to elect their leaders, assemble or organize as a community, operate religious schools, or conduct other religious community activities that are guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1948;

Whereas the continued denial of Bahá'í property rights by the Iranian Government is demonstrated by the confiscation by the Iranian Government of a multitude of Bahá'í community and private properties;

Whereas the Government of Iran continues to deny individual Bahá'ís access to higher education and government employment, in addition to denying recognition and religious rights to the Bahá'í community;

Whereas because Bahá'ís have been banned from teaching and studying at Iranian universities since the Islamic Revolution, Bahá'ís established the Bahá'í Institute of Higher Education, or Bahá'í Open University, to provide educational opportunities to Bahá'í youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October of 1998, officers of the Ministry of Information, the intelligence agency of the Iranian Government, arrested 36 faculty members of the Open University;

Whereas on July 19, 2002, Iranian Revolutionary Guards systematically disrupted student qualifying examinations for the Open University in 9 different districts by

videotaping the proceedings, questioning the students, and confiscating examination papers and Bahá'í books;

Whereas the use of arbitrary arrests, suspended sentences, and short-term detentions against the Iranian Bahá'ís have become widespread;

Whereas as of June 2003, 4 Bahá'ís remain in Iranian prisons solely because of their religious beliefs: 1 serving a life sentence on charges of apostasy, 1 serving 4 years on charges of participation in Bahá'í activities, and 2 sentenced to 15 years imprisonment on charges of association with Bahá'í institutions;

Whereas on October 10, 2003, the Norwegian Nobel Committee awarded the Nobel Peace Prize for 2003 to Shirin Ebadi for her efforts involving democracy and human rights, including advocating equal rights for the Bahá'í community in Iran;

Whereas the conclusions contained in the report of October 13, 2003 by the General Affairs and External Relations Council of the European Union, conveyed the continuing concern of the European Union about the violations of the Bahá'ís' right to freedom of religion, and urged the Iranian Government to comply with both the recommendations made in June 2003 by the United Nations Working Group on Arbitrary Detention and with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination concerning injustice, particularly in relation to education, property rights, and employment; and

Whereas in the 2003 General Affairs and External Relations Council report, the European Union urged the Government of Iran to expedite reform on many fronts, while recognizing the meetings held in 2003 and the planned meetings that have been welcomed by the Government of Iran, to be an important step toward progress: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), that Congress—*

(1) continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Bahá'í community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1948, and other international agreements guaranteeing the civil and political rights of Iranian citizens;

(2) condemns the repressive anti-Bahá'í policies and actions of the Government of Iran, including the denial of legal recognition to the Bahá'í community and the basic rights to organize, elect leaders, educate youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Bahá'ís continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to permit Bahá'í students to attend Iranian universities and Bahá'í faculty to teach at Iranian universities, to return the property confiscated from the Bahá'í Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Bahá'í community made by the United Nations Working Group on Arbitrary Detention and also to comply with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination;

(6) urges the Government of Iran to extend to the Bahá'í community the rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the

United Nations General Assembly Resolution 217(A)(III) of December 10, 1948, and other international covenants of human rights, including the freedoms of thought, conscience, and religion, and equal protection of the law;

(7) calls upon the President to continue to—

(A) assert the concerns of the United States Government regarding—

(i) the violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;

(ii) the support by the Iranian Government of international terrorism; and

(iii) the efforts of the Iranian Government to develop nuclear weapons and acquire weapons of mass destruction;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Bahá'í community and other religious minorities, as a significant factor in the development of relations between the United States and Iran;

(C) urge the Government of Iran to emancipate the Bahá'í community by granting those rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1948, and other international covenants on human rights; and

(D) cooperate with international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Bahá'ís and other minorities through joint appeals to the Government of Iran; and

(8) calls upon the President to—

(A) initiate an active and consistent dialogue with other governments who are influential with Iran in order to persuade the Government of Iran to rectify its human rights practices; and

(B) urge the European Union to use its relationship with Iran to address and advance these fundamental human rights issues.

Mr. LIEBERMAN. Mr. President, it is with continued concern that my respected colleagues and I bring to the Senate's attention for the ninth time in 21 years the continuing persecution of a minority religious group in Iran, the Bahá'í, by submitting today the Bahá'í Emancipation Act of 2003.

I fervently believe that the persistent maltreatment of the Bahá'í as well as other minority religious groups in Iran epitomizes the perilous state of affairs in the country of Iran. Thus, it is with a genuine compassion for all of the people of Iran but particularly for the followers of the Bahá'í faith that my colleagues and I are submitting this resolution highlighting the continuing abuse of this segment of the Iranian population. We are urging that the Bahá'í not only remain at the center of our attention, but that we join forces with other like-minded nations to put pressure on the Government of Iran to make permanent and lasting changes that will allow not only the followers of the Bahá'í faith but all people to live in peace and prosperity in Iran. Consistent attention of the nature represented by this resolution and its predecessors is necessary in order to achieve full emancipation for this peaceful, law-abiding community.

Although it appears that the overt measures used by the Government of Iran to harass and oppress the members of the Bahá'í faith since 1979 have